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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-second year

Identical letters dated 23 October 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

More than 11,000 Palestinian civilians, including more than 400 children and more than 100 women, are being held in the prisons and detention centres of Israel, the occupying Power. The majority of Palestinians being illegally imprisoned or arbitrarily detained by Israel are subject to extremely harsh living conditions and constant physical and mental ill-treatment, including coercive interrogations and humiliation, and many of them are subject to torture. The inhumane treatment of Palestinian prisoners at the hands of the occupying Power has been the cause of widespread suffering and trauma among the prisoners and has led to the death of at least 190 Palestinian prisoners over the many years of this prolonged and bitter foreign occupation of the Palestinian land and people.

In this regard, I regret to inform you of the death today of a Palestinian prisoner, Mohammed Al-Ashqar, 33 years of age, who died as a result of the critical wounds he sustained yesterday, 22 October, at the southern Israeli detention camp of Al-Naqab (Ketziot) in the Negev, when Israeli guards fired upon prisoners with live ammunition and tear gas, injuring at least 250 other prisoners. Clashes had broken out at the detention camp, where more than 2,300 people are being imprisoned in tents, after Israeli guards began conducting provocative cell searches in the night, causing an escalation of tensions. Mr. Al-Ashqar, who was hit with several bullets, had been sentenced to about three years and had only three months remaining in his sentence. He was the father of one child. Palestinian prisoners are waging a hunger strike today in protest of the killing and Israel's harsh treatment of prisoners. Moreover, following the death of Mr. Al-Ashqar, the Palestinian Council of Ministers decided today to request the appropriate United Nations body to conduct an investigation into this serious matter.

It is imperative to stress that, as the occupying Power, Israel remains bound by numerous obligations under international law, including humanitarian law and human rights law, with regard to all of its actions in the Occupied Palestinian

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Territory, including East Jerusalem, including vis-à-vis the civilians it imprisons or detains. Article 76 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War clearly defines the rights of protected persons faced with detention by an occupying Power. Among these rights is the right to remain in the occupied territory during all stages of the detention, including during the serving of prison sentences if convicted, which is clearly being violated by the occupying Power as a result of its transfer of prisoners and detainees to areas inside Israel. Israel is also committing numerous other violations and grave breaches of the Fourth Geneva Convention and other relevant provisions of international law with its unjust imprisonment and brutal treatment of the thousands of Palestinian civilians in its jails and detention centres, including as a result of the denial of family visits, the denial of adequate medical care, the denial of special protection for women and children detainees and the denial of due process and fair trials.

The international community should act to urgently address this very serious issue and to uphold international law in this regard. In addition, it must be reiterated that the High Contracting Parties to the Fourth Geneva Convention have an obligation under article 1 common to the Geneva Conventions to respect and ensure respect of the Convention in all circumstances, and this includes the Occupied Palestinian Territory, including East Jerusalem, to which the Fourth Geneva Convention is applicable, and which Israel, the occupying Power, must abide by.

Palestine calls for the immediate release of all Palestinian civilians being unlawfully imprisoned or detained by Israel, the occupying Power, including the children, women and more than 40 Palestinian officials being unjustly held. The international community should compel Israel to release the thousands of Palestinian prisoners and detainees it is holding and, until they are released, the international community should demand that the occupying Power respect its obligations under international law, including humanitarian and human rights law, vis-à-vis its treatment of these protected persons.

The present letter is in follow-up to our previous 298 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 9 October 2007 (A/ES-10/402-S/2007/599), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer